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Item 3 of the provisional agenda

REVIEW OF THE WORK OF THE SUB-COMMISSION

Report of the inter-sessional Working Group on the methods of work of the Sub-Commission established pursuant to Commission on Human Rights resolution 1992/66

Chairman: Mr. Louis Joinet

Rapporteur: Mr. Fisseha Yimer

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INTRODUCTION

1. By decision 1989/104, the Sub-Commission decided to establish, at the beginning of its forty-second session, a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission; the task of this group would be to make suggestions and proposals to enable the Sub-Commission to discharge its responsibilities better.

2. The first session of the sessional Working Group, which was held during the forty-second session of the Sub-Commission, in August 1990 (E/CN.4/Sub.2/1990/14), was followed by a second session during the forty-third session of the Sub-Commission in August 1991 (E/CN.4/Sub.2/1991/16). In decision 1991/117, the Sub-Commission decided to request of the Commission on Human Rights authorization to establish, on an exceptional basis in 1992, an inter-sessional working group on the reform of the methods of work of the Sub-Commission.

3. The Commission on Human Rights, by resolution 1992/66 of 4 March 1992, endorsed the decision of the Sub-Commission to set up an inter-sessional working group. It recommended that such a group should be composed of one representative of each regional group and requested it to prepare, for examination by all the experts of the Sub-Commission and for adoption by the Sub-Commission at its forty-fourth session, a list of specific proposals in draft decision format, taking into consideration the proposals and recommendations studied by the Sub-Commission at its forty-third session and contained in the report of the aforementioned sessional Working Group as well as in the report submitted to the Commission by the Chairman of the Sub-Commission on the work of its forty-third session (E/CN.4/1992/46).

4. Further, the Commission specifically stated that the inter-sessional working group should make recommendations on the following points:

(a) Initiatives for better coordination with the Commission on Human Rights and the other competent organs of the United Nations acting in the field of human rights;

(b) Strengthening the independence of the experts members of the Sub-Commission;

(c) Initiatives aimed at improving the working methods of the Commission, particularly concerning:

(i) The allocation of speaking time among the experts;

(ii) The preliminary assessment, the preparation and the time-frame for the completion of studies and reports, as well as the elaboration of an updated list of studies and, as appropriate, the setting-out of priorities;

(iii) The designation of the rapporteurs, the allocation of the reports among the experts, including the question of former members of the Sub-Commission serving as rapporteurs, and the role of alternate members;

(iv) The designation of commentators for each study from among its members, in order to facilitate an in-depth discussion of the studies and reports of the Sub-Commission;

(v) The elaboration of a procedure to evaluate and monitor the implementation of the recommendations contained in the studies and reports;

(d) Proposals concerning the format, the adoption and the number of draft resolutions;

(e) Proposals concerning the rationalization of the agenda, including merging or ending certain agenda items;

(f) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a two-page summary for each study. The summaries pertaining to each session should be published separately in various languages, thus contributing to better publicity for the studies.

I. ORGANIZATION OF THE SESSION

5. After the customary consultations and on the basis of equitable geographical distribution, the Chairman of the forty-third session of the Sub-Commission approved the following composition for the inter-sessional Working Group: Mr. S. Chernichenko, Mr. L. Despouy, Mr. R. Hatano, Mr. L. Joinet and Mr. F. Yimer. The Group elected Mr. Joinet as Chairman and Mr. Yimer as Rapporteur. The Group held a session of nine meetings at Geneva from 11 to 15 May 1992. The session was opened by the Under-Secretary-General for Human Rights, Mr. Antoine Blanca.

6. The Working Group had before it a provisional agenda proposed by the Chairman of the forty-third session of the Sub-Commission (E/CN.4/Sub.2/1992/WG.6/L.1). After an exchange of views on the recommendations made by the Commission concerning the agenda, it concluded that it should concentrate on four major issues: the rationalization of the methods of work of the Sub-Commission, the restructuring of the agenda, coordination with the Commission and other competent organs and the independence of the experts. After determining the order of priority to be assigned to these issues, the Working Group adopted the following agenda:

1. Election of the Chairman and the Rapporteur.

2. Adoption of the agenda.

3. Rationalization of the methods of work of the Sub-Commission:

(a) Preparation and submission of working papers, studies and reports:

(i) Preliminary assessment;

(ii) Time-frame for completion of studies and reports;

(iii) Updating list of studies;

(iv) Setting of priorities;

(b) Designation of rapporteurs and allocation of reports among the experts;

(c) Role of alternates;

(d) Designation of commentators;

(e) Monitoring the implementation of recommendations contained in studies and reports;

(f) Publicity given to studies and reports;

(g) Submission and adoption of draft resolutions;

(h) Allocation of speaking time.

4. Restructuring of the agenda of the Sub-Commission.

5 An improvement in the coordination with the Commission on Human Rights and other competent organs of the United Nations.

6. Strengthening the independence of experts.

7. Other matters.

8. Adoption of the report of the Working Group.

7. The inter-sessional Working Group had before it 16 working papers, a complete list of which appears at annex.

8. The meetings of the Working Group were open to all members of the Sub-Commission as well as to observers from States and representatives of intergovernmental and non-governmental organizations.

II. TERMS OF REFERENCE OF THE INTER-SESSIONAL WORKING GROUP

9. Following a discussion on its terms of reference, the Working Group attempted to specify their content and limits in the following way:

(a) It took note of the fact that it was no longer required to consider suggestions or recommendations, this task having been expressly discharged, in accordance with its terms of reference, by the sessional Working Group established by the Sub-Commission by decision 1989/104, whose report (A/CN.4/Sub.2/1991/16) was submitted to the Sub-Commission at its forty-third session.

(b) It noted, however, that in paragraphs 6 and 7 of resolution 1992/66, the Commission had given it terms of reference which, on one hand, were precise since it listed restrictively the issues which the inter-sessional Working Group was required to consider and, on the other hand, were mandatory since it requested the Group specifically to make proposals:

(i) Prepared directly in "draft decision" format;

(ii) For submission directly to the Sub-Commission meeting in plenary without having to be considered beforehand by the inter-sessional Working Group.

10. The inter-sessional Working Group noted, finally, that in paragraphs 6 and 7 of resolution 1992/66 in which the terms of reference are defined precisely and restrictively, no reference is made to the global report on serious and large-scale violations of human rights (usually considered under item 6 of the Sub-Commission's agenda) which the Sub-Commission might consider transmitting annually to the Commission on Human Rights in implementation of paragraph 2 of Commission resolution 8 (XXIII). This question is raised solely in paragraph 8 of Commission resolution 1992/66 and not, as already stated, in paragraphs 6 and 7.

11. The Group had initially taken the view that this question might have come within its terms of reference by an interpretation of paragraph 7 (a) of Commission resolution 1992/66, which concerns improting the coordination between the Sub-Commission and the Commission. However, it finally decided to abide by the strict limits set by the Commission and has therefore not considered this question under its terms of reference; it has nevertheless referred to it at the request of one of its members.

12. The inter-sessional Working Group has expressed the following wish, which it submits to the Sub-Commission for consideration:

(a) To renew the terms of reference of the sessional Working Group established pursuant to Sub-Commission decision 1989/104, requesting it to make proposals to the Sub-Commission, in draft decision format, on the kind of document concerning situations of violations of human rights brought to its attention, which it might transmit to the Commission on Human Rights in order to discharge in the most effective way its responsibilities in that regard;

(b) To request the sessional Working Group to assign high priority to this question and to submit its report to the Sub-Commission, not later than its forty-fifth session;

(c) To transmit to the sessional Working Group the document prepared by Mr. Chernichenko entitled "Draft proposal on the methods of consideration in

the Sub-Commission of violations of human rights (E/CN.4/Sub.2/1992/3/Add.1)" which the inter-sessional Working Group has not been able to consider because of the limits to its terms of reference.

III. RESULTS OF THE WORK OF THE GROUP

13. In order to finalize the "list of specific proposals in draft decision format" expressly requested by the Commission in paragraph 6 of resolution 1992/66, the inter-sessional Working Group has selected the following procedures:

A. It will transmit to the Sub-Commission for adoption, proposals that correspond to each of the four major issues (agenda items 3 to 6) referred to in the terms of reference given by the Commission on Human Rights, namely:

(a) Rationalization of the methods of work;

(b) Restructuring of the agenda;

(c) Improvement of the coordination with the Commission on Human Rights and other competent organs of the United Nations in the field of human rights;

(d) Strengthening of the independence of the experts.

The structure of these proposals is briefly expounded below.

B. The first proposal deals with the rationalization of the methods of work of the Sub-Commission: it has been drafted in the form of "guidelines". The Working Group has retained this term in order to pay a tribute to the efforts of its predecessors who, from 1974 onwards, had begun to reform the Sub-Commission's methods of work by drafting a set of guidelines which the Sub-Commission had adopted at its twenty-seventh session concerning its methods of work (E/CN.4/1160, para. 26, pp. 11 to 13).

C. The second proposal concerns the restructuring of the agenda: the Sub-Commission thus has before it a draft originally prepared, after extensive consultations, by a group of 29 non-governmental organizations and distributed at the forty-third session of the Sub-Commission as document E/CN.4/Sub.2/1991/NGO/21. A large number of amendments were made to this document by the inter-sessional Working Group at the request of observers for Governments, and following specific proposals made by Mr. Chernichenko and Mr. Hatano, during the discussions; these amendments were accepted by the authors of the document.

D. The third proposal relates to an improvement in coordination; it is in effect composed of three proposals which involve decisions by the Commission on Human Rights, as well as the Economic and Social Council because of possible financial implications; consequently, it cannot be in draft decision format.

E. The fourth proposal deals with the independence of the experts: it takes the form of a memorandum addressed to the Under-Secretary-General for Human Rights concerning the issue of a certificate attesting to the status of members of the Sub-Commission of "experts on mission" and specifying the immunities and privileges attached to this capacity.

14. After discussion, the inter-sessional Working Group adopted a draft decision which contains guidelines specifically concerning the methods of work of the Sub-Commission which the latter is invited to adopt at its forty-fourth session. The text of the draft decision which takes the form of a resolution submitted to the Sub-Commission reads as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of Commission on Human Rights resolution 1992/66 of 4 March 1992, by which the Commission authorized it to establish, on an exceptional basis, an inter-sessional working group on the rationalization of the work and the agenda of the Sub-Commission,

Having taken into consideration the points on which the Commission requested it to make recommendations, namely:

(a) The rationalization of its methods of work, particularly concerning the preparation of studies and reports and the format, adoption and number of resolutions;

(b) The restructuring of the agenda;

(c) The improvement of the coordination with the Commission on Human Rights and the other competent organs of the United Nations in the field of human rights;

(d) The strengthening of the independence of the experts,

Recalling that the terms of reference of the Working Group were to draw up a list of specific proposals on these points in draft decision format, for examination by all the experts of the Sub-Commission and adoption by the Sub-Commission at it forty-fourth session,

Aware that such a decision must be restricted solely to the practical aspects of the methods of work of the Sub-Commission, without calling into question the rules of procedure of the Functional Commissions of the Economic and Social Council (E/5975/Rev.1), the amendment of which comes solely within the competence of the Economic and Social Council,

Recalling the set of guidelines on methods of work adopted by the Sub-Commission at its twenty-seventh session (1974) (E/CN.4/1160, para. 26, pp. 11 to 13),

1. Approves the draft resolution submitted to the Sub-Commission by the inter-sessional Working Group;

2. Decides to annex to this resolution the document entitled 'Guidelines on methods of work adopted by the Sub-Commission at its forty-fourth session in application of paragraphs 6 and 7 of resolution 1992/66 of the Commission on Human Rights'."

* * *

"Guidelines on methods of work adopted by the Sub-Commission at its forty-forth session in application of paragraphs 6 and 7 of resolution 1992/66 of the Commission on Human Rights

I. PREPARATION OF STUDIES

Rule 1

Regulation of the number of studies

1. No new study may be submitted for a decision by the competent higher authority unless a study which the latter had previously authorized has been completed, except when the study has been requested directly by the higher authority itself.

2. Within the meaning of this provision, any study whose final conclusions have been approved by the competent authority, as well as when they are or should be followed by an annual update (periodic report) is considered to have been completed.

3. When the number of studies proposed for a decision exceeds the number of studies completed, the member of the Sub-Commission should hold consultations in order to establish priorities.

Rule 2

Document preliminary to the studies

1. No new study may be undertaken unless a document entitled "preparatory document" has been submitted. Such a document should indicate, inter alia, the relevance of the study, including its timeliness, its object, the general outlines envisaged as well as a draft timetable. It should take the form of a working paper a few pages in length, prepared [in cooperation with the Secretariat] and submitted, if possible, in the course of the session of the Sub-Commission during which the study is proposed or, at latest, at its next session.

2. The person designated to carry out the study, if the latter is finally decided, need not be the author of the preparatory document.

3. When a study is specifically requested of the Sub-Commission by a higher authority, the elaboration of a preparatory document is not necessary. However, a member of the Sub-Commission may at any time take the initiative concerning such a document, or the Sub-Commission may consider it necessary in order to be in a position to assess the general approach it may wish to be imparted to the study.

Rule 3

Duration of studies

1. Unless there are special circumstances connected with the nature of the subject under study, the maximum period of time for carrying out a study should be three years from the time of its authorization. It should comprise, in addition to the preparatory document, the following three phases: a preliminary report, a progress report and a final report.

2. If, at the time of submission of the progress report, the rapporteur considers that, as a result of the difficulties encountered by him, he will need more than three years to complete his study, he shall be required to call for a special debate by the Sub-Commission backed up by supporting arguments and to propose a final date with a view to submitting, if necessary, this matter to the authorizing authority.

Rule 4

Appointment of rapporteurs and role of alternates

1. In addition to the significance of any expertise which a particular member of the Sub-Commission may possess in the area to be studied, the principle of equitable geographical distribution must also be a criterion. Subject to the budgetary implications to be taken into consideration, the achievement of the pluralism sought by that distribution may be simplified by the appointment of two rapporteurs for one and the same study.

2. The duties of rapporteur are in principle exercised by the experts of the Sub-Commission. However, there may be a derogation from this provision by a special decision of the Sub-Commission on the grounds of the expertise possessed by an alternate representative which would enable the Sub-Commission to perform its task in the area under consideration in the best possible way.

3. When the rapporteur of an ongoing study, authorized by a higher authority, is no longer a member of the Sub-Commission, he may be retained in his post of rapporteur for more than one year after the date on which his expert mandate expires only by a special decision of the authority which authorized the study.

Rule 5

Appointment of commentators

1. Subject to the agreement of the author or authors of the study and in consultation with them, two members at most of the Sub-Commission could be appointed as commentators in order to undertake an in-depth analysis of the study, in liaison with its author or authors, in order to be better able to draw the attention of the Sub-Commission, during its deliberations, to points that seem important or controversial.

2. When such an appointment is agreed upon, it is desirable that it takes place at the session that precedes the submission of the report or not later than the beginning of the session at which the report is submitted, without prejudice to the right of any member of the Sub-Commission to comment, at any time under the agenda item being discussed, on the report submitted for consideration.

Rule 6

List of studies

In accordance with established practice and in compliance with paragraph 3 of resolution 1982/23 of the Commission on Human Rights, the Sub-Commission shall annex to its annual report an updated list of studies, whether terminated or ongoing, containing the following information bearing appropriate symbol numbers:

(a) title of the study;

(b) name of its author;

(c) legislative authority;

(d) timetable of the study;

(e) effective date of submission of the preliminary, interim or final report.

Rule 7

Follow-up of studies

The Secretariat shall inform the Sub-Commission, at each session, of the follow-up action on studies, in form of a note indicating for each study the following points:

(a) Title of the study specifying, if necessary, whether or not the report is updated annually (periodic report);

(b) Name of the author;

(c) Reference to the decisions concerning the budgetary implications and indication of total amount. For each of these decisions, the total amount of the appropriations actually used after the completion of the appropriate phase of the study;

(d) Summary of the most recent recommendations made by the author of the study. Follow-up given to these recommendations, in respect of the rules, measures or practices adopted both by the Secretariat or Governments or by specialized agencies and institutions and NGOs concerned.

II. SUBMISSION AND ADOPTION OF RESOLUTIONS AND DECISIONS

Rule 8

In order to permit a better assessment of trends with regard to the number of resolutions and decisions and to promote self-discipline in order to reduce their number, the Secretariat shall provide at each session of the Sub-Commission, a comparative table for the previous three years showing the number of decisions or resolutions considered by category as follows:

(a) Resolutions and decisions concerning the Sub-Commission alone;

(b) Resolutions and decisions involving action by the Commission on Human Rights;

(c) Resolutions and decisions submitted to the Commission on Human Rights for adoption, stating how many of them were also submitted to the Economic and Social Council for adoption;

(d) Resolutions and decisions concerning the submission of studies;

(e) Resolutions and decisions concerning the human rights situation in a given country;

(f) Resolutions and decisions whose adoption was deferred or which were withdrawn;

(g) Solemn and concensus statements by the Chairman;

(h) Documents stating the financial implications of resolutions and decisions submitted in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the Functional Commissions of the Economic and Social Council.

Rule 9

When the resolutions and decisions registered as referred to in rule 8 (a), (b) and (c) expressly excluding those mentioned in rule 8 (d) have reached the number of 25, the Chairman, in a solemn declaration, shall invite the experts to reduce the number of resolutions or decisions to be considered by the Sub-Commission.

Rule 10

If, when a draft resolution is being submitted, the Chairman notes that the signatures of at least four co-sponsors have not been obtained, he may, in consultation with the officers, invite the co-sponsors to withdraw their draft. If any co-sponsor objects, the draft shall be kept on the agenda.

Rule 11

Either during consultations prior to the submission of a draft resolution or after its registration with the Secretariat, the Chairman, after consultation with the officers, shall ascertain whether it would be appropriate to invite all the parties involved in such consultations to replace the draft resolution with a consensus and solemn declaration by the Chairman meeting their approval and to be published in extenso in the summary record.

Rule 12

Draft resolutions should be submitted at least four working days before the date on which they are scheduled to be put to a vote. This deadline shall be set at six days in cases involving financial implications.

III. HOLDING OF MEETINGS AND ALLOCATION OF SPEAKING TIME

Rule 13

Schedule of meetings

In accordance with established practice, meetings which are not devoted to the adoption of decisions or resolutions shall begin at the scheduled time. However, if a member so requests, the meeting may not be called to order until there is a quorum.

Rule 14

Order of statements

1. Members of the Sub-Commission, at any time;

2. Observers for intergovernmental and non-governmental organizations;

3. Government observers.

Rule 15

List of speakers

The list of speakers shall be opened at the beginning of the session for all items on the agenda. The closure of the list, for each agenda item, shall be announced as the work proceeds.

If, during a meeting, there are no more speakers on an agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

Rule 16

Speaking time

At the beginning of each session, the Chairman shall invite participants to respect the speaking time allocated for each item in accordance with the following rules:

1. Members of the Sub-Commission:

15 minutes maximum divided into one or several statements;

35 minutes maximum for the presentation of a study, to be divided by the author between the explanatory remarks and the conclusion.

2. Government observers:

10 minutes maximum (and 14 minutes in total if the item contains several sub-items);

5 minutes maximum in connection with a right of reply or 3 minutes maximum in connection with a second right of rejoinder, as the case may be;

5 minutes maximum for a statement to be exercised immediately before voting on a resolution, when the country is implicated.

3. Non-governmental observers:

10 minutes maximum (and 16 minutes in total if the item contains several sub-items or in case of a joint statement).

Rule 17

Self-discipline

As and when necessary, and in order to promote self-discipline, each participant shall be warned by a written message from the Chairman, transmitted by the Secretariat, that his speaking time is drawing to an end. If the speaker continues beyond the allotted time, the Chairman shall immediately call on the next speaker.

Rule 18

Participation of alternates

1. When the expert is absent during the whole session or a part of it, he shall be replaced by his alternate.

2. However, the alternate can be present together with the expert, at the official meetings, including the sessional working groups, without participating in the debate.

3. In case of informal meetings, including sessional working groups, the alternate can participate in the work of the Sub-Commission together with the expert and take part in the debate.

4. The alternates shall not be admitted to the private meetings held under the 1503 confidential procedure except when the expert is absent.

IV. TRANSITIONAL ARRANGEMENTS

These arrangements shall not take effect until the Sub-Commission's forty-fifth session. Provisionally, they shall not be applicable to rapporteurs appointed before the forty-fourth session in their capacity as alternates or former members."

* * *

15. Further, as indicated in paragraph 13 above, the attention of the Sub-Commission is drawn to the second and third proposals by the Working Group. They appear below in document A entitled "Proposal concerning the restructuring of the agenda of the Sub-Commission" and in document B entitled "Proposals concerning the improvement of coordination with the Commission on Human Rights and other competent organs of the United Nations in the field of human rights".

"A.

Proposal concerning the restructuring of the agenda of the Sub-Commission

I. Election of officers; adoption of the agenda; organization of work; review of the work of the Sub-Commission.

II. Prevention and elimination of racial discrimination, including apartheid, and other forms of discrimination and protection of minorities.

1. Elimination of apartheid, inter alia, by a study of the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa.

2. Measures to combat racism and racial discrimination.

3. Elimination of all forms of intolerance and of discrimination based on religion or belief.

4. Discrimination against indigenous peoples.

5. Protection of minorities.

6. Prevention of discrimination against children, youth and women (including traditional practices).

7. Human rights and disability.

8. Contemporary forms of slavery.

9. Discrimination against HIV-infected people or people with AIDS.

III. Question of violations of human rights and fundamental freedoms throughout the world, with particular reference to colonial and other dependent countries and territories.

IV. Effective realization and promotion of civil and political rights.

1. Administration of justice and human rights of detainees:

(a) Question of human rights of persons subjected to any form of deprivation of freedom;

(b) Question of human rights and states of emergency;

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

(d) The right to a fair trial.

2. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

3. The right to freedom of opinion and expression, protection of journalists, protection of United Nations officials, etc.

4. The preservation of international peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

V. Encouragement of the effective realization of economic, social and cultural rights, and study of the factors impeding their realization.

1. The role and equal participation of women in development.

2. Extreme poverty.

3. The new international economic order.

VI. Human rights and scientific and technological progress.

1. Human rights and the environment.

2. Dangerous and toxic wastes.

VII. Implementation of the international human rights instruments and review of supervisory mechanisms.

1. Encouragement of universal acceptance of international human rights instruments.

2. Procedures applied under Economic and Social Council resolution 1503 (XLVIII).

3. Status of experts and special rapporteurs.

VIII. Adoption of the report of the session."

* * *

"B

Proposal concerning the improvement of coordination with the Commission on Human Rights and other competent organs of the United Nations in the field of human rights

Proposal No. 1

The Sub-Commission decides to renew its invitation to the current Chairman of the Commission on Human Rights to attend each session of the Sub-Commission in order to comment on and to discuss the recommendations made by the Commission during its consideration of the report of the Sub-Commission.

Proposal No. 2

In order to improve the coordination among their respective organs, the Chairmen of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the United Nations Commission on Crime Prevention and Criminal Justice will take part in the post-sessional meeting of the Bureau of the Commission on Human Rights, the duration of which would have to be increased accordingly.

They will consider, on the basis of an agenda prepared by the Secretariat and taking account of suggestions received beforehand from participants, items of the various agendas which may interact, issues of common interest and proposals made with a view to improving coordination.

At the conclusion of each meeting, the participants will consider the advisability of inviting other chairmen of concerned organs to attend the next coordination meeting.

Proposal No. 3

Coordination with the United Nations Commission on Crime Prevention and Criminal Justice, Vienna: the Chairman of the inter-Sessional Working Group will transmit to the Sub-Commission, with a view to forwarding it to the Commission on Human Rights and the Vienna Commission, a memorandum prepared in conjunction with the secretariats of the two Commissions and in consultation with their respective chairmen.

This document will prepare an overview of subjects of common interest, a comparative analysis of the agendas and, as appropriate, will submit proposals for a better distribution of tasks."

* * *

16. Finally, as indicated in paragraph 13, the inter-sessional Working Group considered the fourth issue in its terms of reference and requested its Chairman to forward to the Under-Secretary-General for Human Rights a memorandum on strengthening the independence of the Sub-Commission experts. The text of the memorandum is as follows:

"C

Strengthening the independence of the Sub-Commission experts

At its forty-eighth session, the Commission on Human Rights requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to take decisions, inter alia, on strengthening the independence of its experts (para. 7 (b) of resolution 1992/66).

As you are aware, substantial progress has already been made in this regard. The first measures were the appointment of experts by election and also the assumption of responsibility for their travel and subsistence by the United Nations rather than by Governments.

Afterwards, in resolution 1983/32, the Economic and Social Council took the decision to nominate, also by election, alternates who hitherto had been nominated by the expert in consultation with the Secretariat and with the consent of his Government. As of now, alternates enjoy the same guarantees of independence and are not bound by the positions of the expert.

On 15 December 1989, following the persecution suffered by our Romanian colleague Mr. Mazilu, the International Court of Justice, seized by the Economic and Social Council on the initiative of the Sub-Commission, unanimously handed down a significant advisory opinion declaring the guarantees provided in article VI, section 22 of the Convention on the Privileges and Immunities of the United Nations enjoyed by 'experts on mission' to be applicable to the experts of the Sub-Commission in order to ensure their necessary independence.

At its forty-seventh session, the Commission on Human Rights adopted, on 5 March 1991, resolution 1991/33 entitled 'Status of special rapporteurs and representatives, independent experts, members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and members of working groups established by the Commission on Human Rights'. Recalling in the preambular part of its resolution the aforementioned opinion of the International Court of Justice, the Commission requested the Secretary-General to take the necessary measures in order to ensure that all special rapporteurs and representatives, independent experts, members of the Sub-Commission and members of working groups established by the Commission on Human Rights be considered as 'experts on mission' within the context of article VI, section 22, of the aforementioned Convention and in that regard urged States to comply with their obligations under the Convention."

In the report entitled "Measures to ensure the protection of independent experts, members of the Sub-Commission, special rapporteurs, representatives and members of the Secretariat accompanying them on mission" (E/CN.4/1992/13) submitted to the Commission on Human Rights at its forty-eighth session, the Secretary-General stated in paragraph 7:

"7. The letter which the Secretariat addresses to special rapporteurs, representatives (on the understanding that "representatives" in this context means representatives of the Commission or the Secretary-General, but not of States) and independent experts, informing them of their appointment, nomination or assignment, or inviting them to a meeting, will henceforth contain a sentence relating to their status, which could read as follows:

"In the performance of these functions the Secretary-General will consider you as an expert within the meaning of article VI of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946. In that quality you are entitled to a United Nations certificate, which the Organization will provide in accordance with article VII, section 26 of the Convention."

Our colleague, Louis Joinet, the current Chairman of the Sub-Commission, wrote on 10 June 1991 to your predecessor, Mr. Jan Martenson, requesting him to issue such a document to each of us at the beginning of the forty-third session.

In his reply of 12 July 1991, Mr. Martenson stated, in his conclusion, that he was not able to provide any identification document to the members of the Sub-Commission at the beginning of its forty-third session.

We consider it worthwhile to point out that what is involved is not an identification document but a United Nations certificate attesting to our status "of expert on mission", with the privileges and immunities attached thereto.

We should very much like to be informed of the progress in dealing with our request, in view of the forty-fourth session, next August.

We are at a loss to understand the negative reply of your predecessor particularly as the aforementioned report of the Secretary-General (E/CN.4/1992/13) states that the members of the Committee on the Rights of the Child have already received such a document as, indeed, have certain experts of the Sub-Commission.

Motivated by the desire to respond better still to the concerns of the Commission about our independence, we await a positive response giving effect to the decision by the International Court of Justice.

The Working Group wishes to assure the Under-Secretary-General for Human Rights of its full cooperation in reaching a satisfactory solution in view of the forty-fourth session of the Sub-Commission.

IV. OTHER MATTERS

A. Publicity to be given to the work of the Sub-Commission

17. In paragraph 7 (f) of resolution 1992/66, the Commission on Human Rights invited the inter-sessional Working Group to make recommendations, on initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation by the secretariat of a two-page summary for each study, the purpose being that the summaries of a session be published separately in various languages, thus contributing to better publicity for the studies.

18. After consulting the Centre for Human Rights, the Working Group recommends that every year an issue of the Fact Sheet published by the Centre should publicize the results of the annual session of the Sub-Commission. This solution was preferred on the one hand because it is less expensive than a special publication and on the other because of the success of the Fact Sheets.

B. Implications of the independence of experts as regards their insurance arrangements

19. The inter-sessional Working Group raised the question of arrangements concerning insurance which might be made available, through the United Nations, to the members of the Sub-Commission as experts on mission. It requested the secretariat of the Centre to report on the question to the Sub-Commission at its next session.

ANNEX

List of documents

The members of the inter-sessional Working Group had before them the following documents:

Provisional agenda: Note by the Secretary-General (E/CN.4/Sub.2/1992/WG.6/L.1);

Report of the Sub-Commission on the work of its forty-third session (E/CN.4/Sub.2/1991/65);

Report by Mr. L. Joinet, Chairman of the Sub-Commission, on the work of its forty-third session, prepared in accordance with paragraph 20 of Commission on Human Rights resolution 1991/56;

Report of the Working Group on its 1991 session (E/CN.4/Sub.2/1991/16);

Summary records of the forty-eighth session of the Commission on Human Rights covering the debate on the report of the Sub-Commission on its forty-third session (E/CN.4/1992/SR.25-28);

Report of the Working Group on its 1990 session (E/CN.4/Sub.2/1990/14);

Working paper submitted by Mr. S. Chernichenko (E/CN.4/Sub.2/1990/56);

Working paper submitted by Mr. T. van Boven (E/CN.4/Sub.2/1990/57);

Working paper presented by Mr. T. van Boven and Mr. A. Eide (E/CN.4/Sub.2/1989/47);

Working paper presented by Mr. S. Chernichenko and Mr. W. Treat (E/CN.4/Sub.2/1989/51);

Working paper presented by Mr. S. Chernichenko (E/CN.4/Sub.2/1989/55);

Working paper presented by Mr. T. van Boven and Mr. A. Eide (E/CN.4/Sub.2/1988/43);

Written communication submitted by non-governmental organizations (E/CN.4/Sub.2/1991/NGO/21);

Informal working paper presented by Mr. R. Hatano containing draft rules of procedure for the Sub-Commission (E/CN.4/Sub.2/1991/WP.2);

Note by the Secretariat on the role and competence of the Sub-Commission (E/CN.4/Sub.2/1982/3);

Note by the Secretary-General containing a list of studies and reports prepared pursuant to Sub-Commission decision 1989/103 (E/CN.4/Sub.2/1990/2).

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Discrimination and Protection
of Minorities
Forty-fourth session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Note by the Secretary-General

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 16 June 1991 and 15 July 1992 in fields with which the Sub-Commission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the forty-fourth session of the Sub-Commission (E/CN.4/Sub.2/1992/1/Add.1).

Status and implementation of the International Covenants on Human Rights

2. The status of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights at 31 December 1991 is described in chapter IV of Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 1991 (ST/LEG/SER.E/10).

3. At 15 July 1992, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 115 States, the International Covenant on Civil and Political Rights had been ratified or acceded to by 112 States and the Optional Protocol to the International Covenant on Civil and Political Rights had been ratified or acceded to by 66 States.

4. The General Assembly, at its forty-fourth session, in resolution 44/128 of 15 December 1989, adopted and opened for signature and ratification on 15 December 1989 the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

5. As at 15 July 1992, the Second Optional Protocol had been ratified by or acceded to by 11 States*. It entered into force on 11 July 1991, three months after the date of deposit with the Secretary-General of the tenth instrument of ratification or accession.

Committee on Economic, Social and Cultural Rights

6. At its sixth session, held from 25 November to 13 December 1991, the Committee considered nine reports submitted by seven States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. During the session, the Committee also held a general discussion on economic and social indicators and their role in the realization of economic, social and cultural rights. In addition, it adopted General Comment No. 4 (1991) which dealt with the right to adequate housing. A report on the Committee's sixth session was submitted to the Economic and Social Council (E/1992/23-E/C.12/1991/4).

Human Rights Committee

7. During its forty-second, forty-third and forty-fourth sessions held in July, October/November 1991 and March/April 1992, respectively, the Committee considered two initial reports, six second periodic reports and five third periodic reports submitted to it under article 40 of the International Covenant on Civil and Political Rights. At its forty-fourth session, the Committee adopted General Comments Nos. 20 (44) and 21 (44) on articles 7 and 10 which replaced its earlier General Comments on the same subject (Nos. 7 (16) and 9 (16) respectively).

8. During the three sessions, the Committee also adopted 14 views under article 5, paragraph 4, of the Optional Protocol to the Covenant, and took 17 decisions declaring communications inadmissible under the Optional Protocol. A report on the Committee's fortieth to forty-second sessions was submitted to the General Assembly at its forty-sixth session (A/46/40) and a report on its forty-third to forty-fifth sessions will be submitted to the General Assembly following the Committee's forty-fifth session, in July 1992 (A/47/40).

9. The General Assembly, at its forty-sixth session, adopted resolution 46/113 of 17 December 1992 concerning the International Covenants on Human Rights. In that resolution, the General Assembly, inter alia, urged States parties to the International Covenants on Human Rights to pay active attention to the protection and promotion of civil and political rights, as well as economic, social and cultural rights, taking into consideration their indivisible and interrelated character and the fact that the promotion and

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* In addition, the former German Democratic Republic had ratified the Second Optional Protocol on 16 August 1990.

protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights; it also urged States parties to fulfil their reporting obligations under the International Covenants on Human Rights; it again urged all States that have not yet done so to become parties to the International Covenants and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights; it requested the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the other treaty bodies, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and, as appropriate, the specialized agencies, and also to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to those bodies; and it encouraged all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocols in as many languages as possible and to distribute them and make them known as widely as possible in their territories.

10. The Commission on Human Rights, at its forty-eighth session, adopted resolution 1992/14 of 21 February 1992 concerning the status of the International Covenants on Human Rights. In that resolution, the Commission, inter alia, invited the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto; it recommended that States parties periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained; it invited States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to the summary records relating to the examination of those reports by the Committees; and it requested the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights.

Status of the International Convention on the Elimination of All Forms of Racial Discrimination

11. At 15 July 1992, 132 States had ratified or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination.

Committee on the Elimination of Racial Discrimination

12. At its fortieth session, held from 5 to 23 August 1991, the Committee continued consideration of reports, comments and information submitted by States parties under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination; communications under article 14 of the Convention; and copies of petitions, reports and other information relating to Trust and Non-Self-Governing Territories and to all

other territories to which General Assembly resolution 1514 (XV) applied, in conformity with article 15 of the Convention. The Committee also considered issues dealing with the projected Third Decade to Combat Racism and Racial Discrimination, the World Conference on Human Rights, reporting obligations of States parties to United Nations conventions on human rights, and sources of information. The report on the Committee's fortieth session was submitted to the General Assembly at its forty-sixth session (A/46/18).

13. The General Assembly, at its forty-sixth session, adopted resolution 46/83 of 16 December 1991 concerning the report of the Committee, inter alia, expressing its profound concern at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination had still not fulfilled their financial obligations; strongly appealing to all States parties, especially those in arrears, to fulfil their financial obligations; requesting the Secretary-General to invite those States parties which were in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its forty-seventh session; and deciding to consider the report of the Secretary-General on the financial situation of the Committee and the report of the Committee on its activities at its forty-seventh session under the agenda item entitled "Elimination of all forms of racial discrimination".

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

14. At 15 July 1992, there were 93 States parties to the Convention.

15. The General Assembly, at its forty-sixth session, in resolution 46/84 of 16 December 1991, inter alia, appealed once again to those States that had not yet done so to ratify or to accede to the Convention without further delay; it requested the Commission on Human Rights to intensify, in cooperation with the Special Committee against Apartheid, its efforts to compile and update periodically the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom legal proceedings had been undertaken; and it requested the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification or accession to the Convention.

16. It should be noted in this respect that the Commission on Human Rights, at its forty-seventh session, by its resolution 1991/10 of 22 February 1991 decided, inter alia, that, henceforth, the Group of Three established under the Convention should meet every two years rather than annually to consider reports submitted by States parties in accordance with article VII of the Convention. Thus, the Group of Three was not scheduled to meet during 1992.

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

17. At 15 July 1992, the Convention had been ratified or acceded to by 67 States. In addition, 15 States had signed the Convention.

Committee against Torture

18. At its seventh and eighth sessions, held from 11 to 22 November 1991 and 27 April to 8 May 1992, respectively, the Committee considered 10 initial reports submitted to it under article 19 of the Convention. A report on the Committee's seventh and eighth sessions has been submitted to the General Assembly at its forty-seventh session (A/47/46).

19. The Commission on Human Rights, at its forty-eighth session, adopted resolution 1992/25 of 28 February 1992, concerning the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this resolution, the Commission, inter alia, welcomed the report of the Committee against Torture; stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture; urged all States to become parties to the Convention as a matter of priority and invited all States ratifying or acceding to the Convention to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention. The Commission further requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture.

Status of the Convention on the Rights of the Child

20. The Convention on the Rights of the Child was adopted by the General Assembly in its resolution 44/25 of 20 November 1989. It was opened for signature, ratification and accession, in New York, on 26 January 1990 and entered into force on 2 September 1990, following the receipt of the twentieth instrument of ratification or accession.

21. As at 15 July 1992, 120 States had ratified or acceded to the Convention. In addition, 29 States had signed the Convention.

22. The General Assembly, at its forty-sixth session, and the Commission on Human Rights, at its forty-eighth session, adopted resolution 46/112 of 17 December 1991 and resolution 1992/75 of 5 March 1992, respectively, concerning the Convention on the Rights of the Child. In these resolutions the General Assembly and the Commission on Human Rights, inter alia, welcomed with deep satisfaction the entry into force of the Convention; called upon all Member States to sign, ratify or accede to the Convention as a matter of priority; emphasized the importance of the strictest compliance by States parties with their obligations under the Convention; requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee on the Rights of the Child; invited United Nations bodies and organizations as well as intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Convention; requested the Secretary-General to make the necessary resources available to enable the Working Group of the whole of the Committee to meet in 1992 subsequent to the second session of the Committee; and also requested the Secretary-General to submit to the General Assembly at its forty-seventh session and the Commission on Human Rights at its forty-ninth session a report on the status of the Convention on the Rights of the Child.

23. The first session of the Committee on the Rights of the Child was held from 30 September to 18 October 1991. At that session, the Committee adopted its provisional rules of procedure and general guidelines regarding the form and contents of initial reports to be submitted by States parties under article 44, paragraph 1 (a), of the Convention. In addition, the Committee considered issues relating to the sessions of the Committee or its subsidiary bodies; sources of information; relations with other United Nations organs and treaty bodies; public information activities; and the World Conference on Human Rights. The second session of the Committee is scheduled to take place in Geneva from 28 September to 9 October 1992.

Effective implementation of international instruments on human rights including reporting obligations of States parties to United Nations instruments in the field of human rights

24. The General Assembly, at its forty-sixth session, adopted resolution 46/111 of 17 December 1991, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights". In this resolution, the General Assembly, inter alia, requested the Secretary-General to give high priority to establishing a computerized database; endorsed the recommendation of the meeting of persons chairing human rights treaty bodies, that the General Assembly should take appropriate measures to ensure the financing of each of the committees from the United Nations regular budget; invited States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to consider, as a matter of priority, all possibilities for putting arrangements for meeting the costs of implementing these treaties on a viable, guaranteed basis, including by considering possible amendment to the funding provisions of these treaties; requested the Secretary-General to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations; and decided to give priority consideration at its forty-seventh session to the conclusions and recommendations of the meetings of persons chairing treaty bodies, in the light of the deliberations of the Commission on Human Rights.

25. In addition, in its decision 46/429, the General Assembly requested the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider, at their meeting in January 1992, a proposed amendment submitted by the Government of Australia under which the financing of the activities of the Committee on the Elimination of Racial Discrimination would be provided through the regular budget of the United Nations. The proposed amendment was considered and adopted at the fourteenth meeting of States parties to that Convention held on 15 January 1992 and the matter is expected to be taken up again by the General Assembly at its forty-seventh session.

26. The Commission on Human Rights, at its forty-eighth session, adopted resolution 1992/15 of 21 February 1992, entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments". In this resolution, the Commission, inter alia, urged all States parties to meet

without delay all their financial obligations pursuant to United Nations human rights instruments; requested the Secretary-General to give consideration to the proposal endorsed by the second and third meetings of persons chairing the human rights treaty bodies and the Committee on Economic, Social and Cultural Rights to establish a committee resource room for the purpose of gathering and facilitating access to the various sources of information that are indispensable for the effective functioning of the various treaty bodies; requested the Secretary-General to submit to the General Assembly, at its forty-seventh session, a further report examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies; urged the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting Member States, in particular States that are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system; and decided to consider the question on a priority basis at its forty-ninth session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

The right of peoples to self-determination

27. At its forty-sixth session, the General Assembly adopted resolutions 46/87 and 46/88 of 16 December 1991 with respect to the right of peoples to self-determination, and resolution 46/89 of 16 December 1991 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination.

28. In these resolutions, the General Assembly, inter alia, called upon all States to implement all the resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination; reaffirmed the legitimacy of the struggle in all its forms of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means; and called upon those Governments that did not recognize the right to self-determination and independence of all peoples still under colonial domination, alien subjugation and foreign occupation to do so.

29. The General Assembly also reaffirmed the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference. It also urged assistance in the reconstruction and economic development of Namibia. The Government of South Africa was strongly urged to respond positively to the provisions of the Declaration of the Organization of African Unity Ad Hoc Committee on southern Africa on the question of South Africa, and the Declaration on Apartheid and its Destructive Consequences in southern Africa; the Assembly further determined that the South African racist regime must take additional steps to implement fully the profound and irreversible changes called for in the Declaration on Apartheid. The Assembly again demanded the immediate application of the mandatory arms embargo against South Africa by all countries.

30. The General Assembly strongly condemned the continued violation of the human rights of the peoples still under colonial domination and alien subjugation and demanded the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence. The practice of using mercenaries was characterized as a threat to international peace and security. All States were urged to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that their territory and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation. The Assembly called upon them to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation.

31. Furthermore, the Assembly reaffirmed the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination as a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights, and declared its firm opposition to acts of foreign military intervention, aggression and occupation.

32. The General Assembly deplored the plight of the millions of refugees and displaced persons who had been uprooted as a result of the aforementioned acts, and reaffirmed their right to return to their homes voluntarily in safety and honour.

33. The Commission on Human Rights was requested to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation.

34. The Commission on Human Rights, at its forty-eighth session, adopted resolution 1992/6 entitled "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination", as well as resolutions 1992/18 on the question of western Sahara and 1992/3 on Israeli settlements in the occupied Arab territories.

Protection of persons with mental illnesses

35. At its forty-seventh session, the Commission on Human Rights examined the draft body of principles for the protection of persons with mental illness and for the improvement of mental health care (E/CN.4/1991/39). By resolution 1991/46, the Commission endorsed the draft body of principles and recommended to the Economic and Social Council that it submit the draft body of principles to the General Assembly.

36. The Economic and Social Council, by its resolution 1991/29 of 31 May 1991, decided to submit to the General Assembly the draft body of principles and the report of the working group of the Commission on Human Rights at its forty-sixth session, with a view to the adoption of the body of principles.

37. The General Assembly, by resolution 46/119 of 17 December 1991, adopted, at its forty-sixth session, the Principles for the protection of persons with mental illness and for the improvement of mental health care and requested the Secretary-General to give the widest possible dissemination of the text of the Principles.

Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

38. The working group established by Commission on Human Rights decision 1984/116 of 16 March 1984 to draft a declaration on this subject held its seventh session from 13 to 24 January 1992.

39. The Commission on Human Rights, by its resolution 1992/82, decided to continue at its forty-ninth session its work on the draft declaration and recommended to the Economic and Social Council that it authorize a working group to meet for a period of two weeks prior to its forty-ninth session.

Hostage-taking

40. At its forty-first session, in 1989, the Sub-Commission adopted resolution 1989/26 in which it condemned hostage-taking and the torture and murder which frequently accompanied such practice and requested that all States take steps to prevent hostage-taking and to bring to trial anyone who might participate in such acts.

41. At its forty-seventh session, the Commission on Human Rights, by its resolution 1991/40, affirmed that the taking of hostages constituted a grave violation of human rights, condemned such acts and decided to remain seized of the question at its forty-ninth session.

Draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities

42. The open-ended working group set up by Commission on Human Rights decision of 8 February 1978 to draft a declaration on the rights of persons belonging to national or ethnic, religious and lingustic minorities met at its last session from 2 to 13 December 1991, completed the second reading of the draft declaration and submitted the text of the draft declaration to the Commission on Human Rights at its forty-eighth session for approval.

43. The Commission on Human Rights, by its resolution 1992/16, endorsed the draft declaration (E/CN.4/1992/48 and Corr.1, Annex I) and recommended to the Economic and Social Council that it approve and submit the draft declaration to the General Assembly at its forty-sixth session for the adoption and further action by the Assembly.

World Conference on Human Rights

44. Pursuant to General Assembly resolution 45/155, of 18 December 1990, the Preparatory Committee for the World Conference on Human Rights held its first session in Geneva from 9-13 September 1991. The Preparatory Committee decided, in its report (A/46/24), to recommend to the General Assembly that it adopt a number of decisions related to the preparatory process leading up to the World Conference in 1993.

45. In resolution 46/116, of 17 December 1991, the General Assembly took note with appreciation of the report of the Preparatory Committee. It decided, inter alia, that the Preparatory Committee would meet for three further sessions in 1992 and 1993, and that the Committee should base the elaboration of the agenda for the World Conference on paragraph 1 of resolution 45/155, that the widest possible publicity be given to the Conference and that regional meetings be convened for each region that so desires, within the institutional framework or with the assistance of the regional commissions. It also decided to request that the Secretary-General prepare a number of studies and other documentation for the World Conference.

46. The Preparatory Committee met in Geneva from 30 March to 10 April 1992, in accordance with General Assembly resolution 46/116. It decided to modify the criteria for the administration of the voluntary fund for the participation of representatives of least developed countries, took note of the reports on public information activities and on other meetings related to the preparatory process, and made a recommendation to the General Assembly as to the dates and venue of the Conference. The Preparatory Committee also decided to hold its third session in Geneva from 14-18 September and decided to recommend proposed rules of procedure, with two reservations, to the General Assembly for adoption.

47. On 6 May 1992, at its resumed forty-sixth session, the General Assembly decided to accept the invitation of the Government of Austria to convene the World Conference on Human Rights in Vienna in the last two weeks of June 1993.